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Attorneys for the Defendant California Gambling
Control Commission

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CALIFORNIA VALLEY MIWOK TRIBE,

Plaintiff,

v.

**THE CALIFORNIA GAMBLING CONTROL
COMMISSION; and DOES 1 THROUGH 50,
Inclusive,**

Defendants.

No. 08-CV-0120 BEN AJB

**NOTICE OF MOTION TO
DISMISS THE COMPLAINT FOR
INJUNCTIVE RELIEF,
DECLARATORY RELIEF,
BREACH OF CONTRACT,
BREACH OF FIDUCIARY DUTY
AND INTENTIONAL
INTERFERENCE WITH
PROSPECTIVE ECONOMIC
ADVANTAGE, OR, IN THE
ALTERNATIVE, TO STAY
PROCEEDINGS**

Hearing: March 10, 2008

Time: 10:30 a.m.

Courtroom: 3

Judge: The Hon. Roger T. Benitez

TO PLAINTIFF AND ITS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE: that on March 10, 2008 at 10:30 a.m. or as soon thereafter as the
matter may be heard in Department 3 of the United States Courthouse located at 940 Front

1 Street, San Diego, California, Defendant California Gambling Control Commission will move
2 the Court for an order dismissing the Complaint in the above entitled matter pursuant to Rule
3 12(b)(1), 12(b)(6) and 12(b)(7) of the Federal Rules of Civil Procedure, or, in the alternative,
4 staying the proceedings pursuant to the Court's inherent authority.

5 Dated: January 31, 2008

6 Respectfully submitted,

7 EDMUND G. BROWN JR.
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8 ROBERT L. MUKAI
9 Senior Assistant Attorney General

10 SARA J. DRAKE
Supervising Deputy Attorney General

11 RANDALL PINAL
12 Deputy Attorney General

13
14 /s/Peter H. Kaufman
15 PETER H. KAUFMAN
16 Deputy Attorney General
Attorneys for Defendant California Gambling Control
17 Commission

18 Notice to Dismiss.wpd
19 SA2008300115